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Kirk A. Vander Leest
McAndrews, Held & Malloy, Ltd.
34th Floor
500 West Madison Street
Chicago, IL 60661

EXAMINER	
PATEL, DHIRUBHAI R	

ART UNIT	PAPER NUMBER
2831	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/715,942	CASTELLANI ET AL.
	Examiner	Art Unit
	DHIRU R. PATEL	2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103 (c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-28 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Whitehead (6,417,446) in view of Dola et al (4,952,163).

Whitehead discloses:

Regarding claim 1, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract as well as entire column 2); and four power receptacles 98,99 with two housings (see figs 5-7, column 6 lines 48-55) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), but fails to disclose each of said power receptacles being simplex power receptacle and having a separate housing.

Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35,column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as

taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

Regarding claim 2, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including the simplex receptacles are configured to snap fit into a portion of the insert (see fig 1, and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 4, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including power receptacles are wired in separate electrical circuits (see figs 5-7 and column 1 lines 54-57 and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 5, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a cover assembly 136 overlying the insert (see fig 3A , column 7 lines 25-30 of Whitehead), the cover assembly including access covers 150 for selectively covering and exposing the simplex power receptacles (see fig 3A and entire column 7 of Whitehead).

Whitehead discloses:

Regarding claim 6, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising:

an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract as well as entire column 2); and four power receptacles 98,99 with two housings and supported by the insert (see figs 5-7, column 6 lines 48-50) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), and four communication/data jacks 126, 127, 162 supported within the insert (please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10), but fails to disclose each of said power receptacles being simplex power receptacle and having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35,column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

Regarding claim 7, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including the simplex receptacles are configured to snap fit into a portion of the insert (see fig 1, and entire column 6 of Whitehead).

It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 9, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including at least two of the power receptacles are wired in separate electrical circuits (see figs 5-7 and column 1 lines 54-57 and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 10, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a cover assembly 136 overlying the insert (see fig 3A, column 7 lines 25-30 of Whitehead), the cover assembly including access covers 150 (see fig 3A and entire column 7 of Whitehead) for selectively covering and exposing the simplex power receptacles (see fig 3A and entire column 7 of Whitehead).

Whitehead discloses:

Regarding claim 11, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for

insertion into the circular floor opening (see figs 1-2 and entire abstract as well as entire column 2); the insert having an upper end adjacent to the floor and having a chamber defined therein which extends downwardly from the upper end (see figs 2 and 7, and entire column 7), a cover 136 overlying the insert (see fig 3A), the cover having an upper surface, four communication/data jacks 126, 127, 162 mounted within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover (please note that a wing 162 which allows the mounting of two additional data jacks, see figs 2,6-7, and entire column 7 and column 8 lines 8-10) and four power receptacles 98,99 with two housings (see figs 5-7) are mounted within the fitting such that the power receptacles do not extend upwardly beyond the upper surface of the cover (see figs 2 ,6-7, column 6 lines 48-50) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), but fails to disclose each of said power receptacles is simplex power receptacle and having a separate housing.

Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35,column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43).

It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of

said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

Regarding claim 13, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including at least two of the simplex power receptacles are wired in separate electrical circuits (see figs 5-7 and column 1 lines 54-57 and the entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations,

Whitehead discloses:

Regarding claim 14, a flush poke-through wiring fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a floor opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the poke-through fitting comprising: an insert sized 20 (body,see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract); a cover 136 overlying the insert (see fig 3A), the cover having an upper surface; and four power receptacles 98,99 with two housings (see figs 5-7) are mounted within the fitting in a protected fashion such that the power receptacles do not extend upwardly beyond the upper surface of the cover (see figs 2, 6-7, column 6 lines 48-60) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), but fails to disclose each of said power receptacles is simplex

power receptacle and having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25 35,column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles. It is noted that the modified assembly of Whitehead meet the structural limitations.

Whitehead discloses:

Regarding claim 16, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: four communicationldata jacks 126,127, 162 mounted within the fitting (please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6 and entire column 7 and column 8 lines 8-10), the communication/data jacks being arranged in a longitudinal row (see fig 6); first and second electrical receptacles 88,89 with a housing

as well as two additional electrical receptackles 88, 89 with a housing (see figs 5-7) and said first and second electrical receptacles disposed on a first lateral side of the communication/data jack (see fig 6) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2); but fails to disclose the first and second receptacles are simplex receptacles and each of said receptacles having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35,column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles. It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 17, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including the first pair of the power receptacles are wired in separate electrical circuits from the second pair of simplex receptacles (see figs 5-7 and column 1 lines 54-57 and the entire column 6 of whitehead).

It is noted that the modified assembly of Whitehead meet the structural liimitations. Assembly of the device of Whitehead comprises method step of:

Regarding claim 18, a method of delivering flush poke-through wiring fitting 10 (see fig 1, column 4 lines 35-40) that is adapted to be supported in a floor opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: providing a cover 146 that overlies the fitting and has an upper surface (see fig 2); mounting four communication/data jacks 126, 127, 162 within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover (please note that a wing 162 which allows the mounting of two additional data jacks, see figs 2, 6-7,and entire column 7 and column 8 lines 8-10); mounting four power receptacles 98, 99 with two housings (see figs 5-7) within the fitting such that the receptacles do not extend upwardly beyond the upper surface of the cover (see fig 3B) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), but fails to disclose each of said power receptacles is simplex receptacles and having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35,column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

Regarding claim 20, further comprising wiring at least two power receptacles in separate electrical circuits (see column 2 lines 1-7 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Assembly of the device of Whitehead comprises method step of:

Regarding claim 21, a method for providing a poke-through fitting 10 (see fig1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: providing an insert sized 20 (see figs 1 and 6, entire column 2, column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2, entire abstract as well as entire column 2); and mounting four power receptacles 98,99 with two housings within said insert (see figs 1 and 6) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), but fails to disclose each of said power receptacles is simplex power receptacle and having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column lines 25-35,column 3 lines 58-61 and entire column 4,

please note that Dola et al disclose an, opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

Regarding claim 22, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including wherein the receptacles are configured to snap fit into a portion of the insert (see fig 6 of Whitehead).

Regarding claim 24, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including wiring at least two of the receptacles in separate electrical circuits (see fig 7 and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 25, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a cover assembly 136 including access covers 150 (see fig 3A and entire column 7 of Whitehead) for selectively covering and

exposing the simplex power receptacles (see fig 3A and entire column 7 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations. Assembly of the device of Whitehead comprises method step of:

Regarding claim 26, a method for providing a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: providing an insert sized 20 (body, see figs 1 and 6, entire column 2, column 5 lines 4-65) for insertion into the circular floor opening (see fig 2); mounting four power receptacles 98,99 with two housings within the insert (see figs 1 and 6) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2), and mounting four communication/data jacks 126,127, 162 within the insert (please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10), but fails to disclose each of said power receptacles is simplex power receptacle and having a separate housing. Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35,column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the

assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

It is noted that the modified assembly of Whitehead meet the structural limitations.

Assembly of the device of Whitehead comprises method step of:

Regarding claim 27, a method for providing a poke-through wiring fitting 10 (see fig 1, column 4.lines 35-40) of the type that is adapted to be supported in a circular floor opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: mounting four communication/data jacks 126, 127, 162 (please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10), the communication/data jacks being arranged in a longitudinal row (see fig 7); mounting first and second power receptacles 98 , 99 with a housing on a first lateral side of the communication/data jack as well as two recdeptacles 98.99 with a housing (see figs 5-7) and also, disclosed that device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2); but fails to disclose said receptacles having a separate housing as well as each of said receptacles being simplex power receptacle . Dola et al teach the use of a simplex receptacle 16 having a separate housing 22 (see fig 3, column 2 lines 25-35,column 3 lines 58-61 and entire column 4, please note that Dola et al disclose an opening 46 can

be sized to correspond to the configuration of the front face of a simplex receptacle, see column 4 lines 1 40-43). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dole et al as required depending on the application at hand, and to facilitate replacement of a single receptacle without replacing two receptacles.

It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 28, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including wiring the first pair of simplex power receptacles are in a separate electrical circuit from the second pair of-simplex receptacles (see fig 7 and entire column 6 of Whitehead).

Regarding claims 3,8,12,15,19 and 23, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a fire stopping material disposed in the insert (see column 2 lines 50-52, and column 8 lines 53-67 and column 9 lines 1-6 of Whitehead).

With respect to claims 12, 15 and 19, the floor opening formed in the floor and with the poke-through wiring fitting supported in the floor opening, is substantially the same as the fire rating of the floor without the floor opening formed in the floor (see fig 2 of whitehead) .

Response to Arguments

2. Applicant's arguments with respect to claims 6-13,15-20 and 26-28 have been fully considered but they are not persuasive. **The applicant argues the following:**

A) Applicant's arguments that the combination of Whitehead and Dole does not teach, nor suggest, all the limitations of claims 6-13,15,16-20, and 26-28, and with respect to claims 6-13, 18-20, and 26, neither Whitehead, nor Dola, teaches or suggests a fitting or insert that includes four simplex power receptacles and four communication/data jacks.

With respect to argument A, the examiner respectively traverse. When examining a claim, the examiner is required to give the claim it's broadest reasonable interpretation. Specifically, during patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. Specifically, MPEP 2111 states: During patent examination, the pending claims must be "given *>their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).< Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more

broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

The examiner interpreted the Whitehead reference as follow:

at column 4 lines 35-40 and fig1 " a poke -through fitting 10" is same as a poke-through fitting as recited in claim 6.

at column 6 lines 38-55 and figs 5-7 " four power receptacles 98,99 with two housing " are same as four power receptacles as recited in claim 6.

at entire column 7 and column 8 lines 8-10 and fig 6 " four communication/data jacks 126, 127, 162 supported within the insert "are same as four communication/data jacks as recited in claim 6, please note that a wing 162 which allows the mounting of two additional data jacks (see fig 6, entire column 7 and column 8 lines 8-10).

Therefore, all the limitations of claims 6-13, 15, 16-20 and 26-28 are clearly disclosed as detailed in the rejection above. Please note that Whitehead disclosed that the novel design of the present invention allows the device to be readily modified to meet the various requirements (see column 7 lines 62-63 of Whitehead) as well as device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2 of Whitehead).

B) Applicant's arguments that there is no motivation or suggestion to combine Whitehead with Dola.

With respect to argument B, the examiner respectively traverse. The test for obviousness is not whether the features of a secondary reference may be bodily

incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). It has also been held that arguments against the references individually, is improper. Specifically, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d. 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Whitehead discloses the poke through fitting comprising: an insert sized 20 for insertion into the circular floor opening and four power receptacles 98,99 with two housings and supported by the insert and also, disclosed that device 10' may be modified to provide only a single receptacle, and four communication/data jacks 126, 127, 162 supported within the insert, but fails to disclose each of said power receptacle being simplex power receptacle and having a separate housing. Dola et al teach the use of

a simplex receptacle 16 having a separate housing 22 and please note that Dola et al disclose an opening 46 can be sized to correspond to the configuration of the front face of a simplex receptacle, and it is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Dola et al, and please note that Whitehead also disclosed that device 10' may be modified to provide only single receptacle (see column 8 lines 1-2 of Whitehead), therefore clearly there exist a motivation to combine the teachings of Whitehead and Dola et al in order to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as required depending on the application at hand, and to facilitate replacing of a single receptacle without replacing two receptacles. Secondly, all of the claimed invention is disclosed based on the combination of teaches. Therefore, a proper prima facie case of obviousness has been established and the combination of the teachings is proper and just. The applicant attempts to state that adding Dola to Whitehead ignores the reference as a whole, and there simply is no teaching or suggestion in Whitehead to use components from Dola, however it has been held that patents are relevant for all they disclose. Specifically,

"The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned.

They are pad of the literature of the art, relevant for all they contain." In re Heck, 699 F.2d 1331 , 1332- 33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 11009, 158 USPQ 275, 277 (CCPA 1968))."

The courts have been consistent that a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including non-preferred embodiments. See Merck & Co. v. Biocralt Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). See also Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998) (The court held that the prior art anticipated the claims even though it taught away from the claimed invention. "The fact that a modem with a single carrier data signal is shown to be less than optimal does not vitiate the fact that it is disclosed"). Therefore, even though Dola et al teach the use of a simplex power receptacle with a separate housing, based on this teaching, it is the examiner's opinion that it would have been obvious to one having ordinary skill in the art of receptacles at the time the invention was made to replace each of said power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Dola et al as required depending on the application at hand, and to facilitate replacing of a single receptacle without replacing two . Based on the arguments above, the examiner respectfully submits that the 35 USC 103(a) rejection is proper and just.

C) The Applicants respectfully submit that attempting to pick and choose single isolated elements from Dola and Shoehorn them into Whitehead ignores the reference in their entireties and is therefore improper, **please note that the current office action does not use the Shoehorn reference** and please note that Whitehead disclosed that the novel design of the present invention allows the device to be readily modified to

meet the various requirements (see column 7 lines 62-63 of Whitehead) as well as device 10' may be modified to provide only a single receptacle (see column 8 lines 1-2 of Whitehead).

D) It is noted that with respect to Simplex Power receptacle, the Applicant does not describe any criticality of said simplex power receptacle.

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DHIRU R. PATEL whose telephone number is 571-272-1983. The examiner can normally be reached on M-TH, 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-1982. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dhiru R Patel

DHIRU R PATEL 12/31/05
Primary Examiner
Art Unit 2831

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